

FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

DEC 16

MM Docket No. 93-249

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Calabash and Tabor City,
North Carolina)

RM-8330

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 8, 1994; Released: December 16, 1994

By the Chief, Allocations Branch:

1. At the request of Great American Media, Ltd. I ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 8 FCC Rcd 7085 (1993), proposing the substitution of Channel 285C3 for Channel 285A at Tabor City, North Carolina, the reallocation of Channel 285C3 from Tabor City to Calabash, North Carolina, and the modification of Station WYNA's license to specify Calabash as its community of license. Petitioner filed comments reiterating its intention to apply for the channel, if allotted. No other comments were received.

2. As stated in the *Notice*, petitioner submits that the reallocation of Station WYNA to Calabash will enable the station to serve an additional 66,240 persons without depriving Tabor City of its sole local aural transmissions service. Tabor City, with a 1990 U.S. Census population of 2,330 persons, will continue to receive local aural service from fulltime Station WTAB(AM).¹ Further, while petitioner acknowledges that there will be a loss of service to 9,648 persons, it states that those living within the loss area will continue to receive service from seven other FM services. However, petitioner failed to provide any information on the reception services currently available within the gain area and whether the gain area would include any underserved areas. It was requested to address these issues in its comments. In response, petitioner states that the vast majority of the population within the gain area presently receives at least five fulltime services but that a small portion of southern Bladen County, North Carolina, representing 46 persons, will receive its fifth fulltime aural reception service.

DISCUSSION

3. We believe that the substitution of Channel 285C3 for Channel 285A at Tabor City, the reallocation of Channel 285C3 from Tabor City to Calabash, and the modification of Station WYNA(FM)'s license to reflect the change is in the public interest. The reallocation will not remove Tabor City's sole local transmission service as Station WTAB(AM) will remain in the community. Calabash, with a 1990 U.S. Census population of 1,210 persons, will receive its first local aural service. Our engineering analysis shows that the reallocation of Channel 285C3 to Calabash will enable Station WYNA(FM) to serve an additional 58,442 persons with an area of 3.129 square kilometers. Further, while Calabash is closer than Tabor City to the Wilmington Urbanized Area (75 kilometers (47 miles) vs. 57 kilometers (35 miles)), none of the population gain is within the Urbanized Area. We recognize that the removal of Station WYNA(FM) from Tabor City will create a reception service loss to 25,488 persons within an area of 957 square kilometers west of Tabor City.² While we carefully consider any proposal that would result in a loss of existing reception service, we believe the public interest is well served by this reallocation proposal since the population within the loss area will continue to receive service from 17 FM stations licensed to the communities of Conway, Myrtle Beach, North Myrtle Beach, Dillon, Loris, Georgetown, Socastee and Bucksport, SC, and Lumberton, Laurinburg, Wilmington, Fayetteville, and Whiteville, NC. As proposed, we will also modify petitioner's license for Station WYNA(FM) to specify operation on Channel 285C3 at Calabash.

TECHNICAL SUMMARY

4. Channel 285C3 can be allotted to Calabash in compliance with the Commission's minimum distance separation requirements with a site restriction of 20.1 kilometers (12.5 miles) north to accommodate petitioner's desired transmitter site.³ Use of this site is short-spaced to the presently licensed operation of Station WNMB, Channel 288A, North Myrtle Beach, South Carolina. However, Station WNMB's license has been modified to specify Channel 290C3 and it has filed an application for license to cover its construction permit for operation on Channel 290C3.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **January 30, 1995**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Calabash, North Carolina	285C3
Tabor City, North Carolina	---

¹ Station WTAB(AM) is a Class B station operating with 5 kW power day and .109 kW night.

² We note the discrepancy between the loss and gain population figures submitted by the petitioner and those attributed by the Commission staff. In determining loss and gain populations, the Commission methodology is to prorate a county's population,

outside of cities, in proportion to the percentage of the area in question. The petitioner, rather than prorating county populations, used the population figures attributed to "minor civil divisions."

³ The coordinates for Channel 285C3 at Calabash are 34-04-05 North Latitude and 78-31-30 West Longitude.

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Great American Media, Ltd. I for Station WYNA(FM), IS MODIFIED to specify operation on Channel 285C3, in lieu of Channel 285A, and its community of license is modified from Tabor City, North Carolina, to Calabash, North Carolina, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Great American Media, Ltd. I, licensee of Station WYNA(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

8. IT IS FURTHER ORDERED. That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau